

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Botanic Oil Innovations, Inc.,

Civil No. 10-645 (DWF/FLN)

Plaintiff,

v.

ORDER

Rain Nutrition, LLC; Viable Options;
and Dr. Arnold S. Leonard, M.D., Ph.D.,

Defendants.

Christopher W. Madel, Esq., and Jennifer M. Robbins, Esq., Robins Kaplan Miller & Ciresi LLP, counsel for Plaintiff.

Brooks F. Poley, Esq., Winthrop & Weinstine, PA, counsel for Defendant Dr. Arnold S. Leonard.

This matter comes before the Court on Plaintiff's Motion for Order Deeming Matters Admitted and for Default Judgment Against Rain Nutrition, LLC ("Rain") (Doc. Nos. 80-83).

Defendant failed to provide responses to Plaintiff's discovery requests within thirty days, and failed to sit for its noticed Rule 30(b)(6) deposition. Therefore, each of Plaintiff's requests for admission will be deemed admitted pursuant to Fed. R. Civ. P. 36(a)(6), and default judgment is entered against Rain pursuant to Fed. R. Civ. P. 37(b)(2)(A)(vi) and 37(d)(1).

On October 24, 2011, this Court granted Defendant's counsel's Motion to Withdraw as Attorney. (Doc. No. 78.) Defendant Rain was given thirty (30) days to obtain new counsel. That deadline passed on November 23, 2011, and Defendant Rain did not obtain representation. (*Id.*) Consequently, Defendant Rain is in default, as corporations cannot appear *pro se*.

IT IS HEREBY ORDERED:

Plaintiff's Motion for Order Deeming Matters Admitted and for Default Judgment Against Rain Nutrition, LLC, (Doc. No. [80]), is hereby **GRANTED** such that:

1. Rain Nutrition, LLC is deemed to have admitted each Request for Admission in Plaintiff's Second Set of Combined Discovery Requests to Defendant (Doc. No. 83-1).

2. Rain Nutrition, LLC, having failed to object to, or produce a witness for, Plaintiff's noticed Rule 30(b)(6) deposition of Rain Nutrition, LLC (Doc. Nos. 83-3, 83-4), and pursuant to Fed. R. Civ. P. 69(a), Rain Nutrition, LLC is required to produce documents related to any agreements with, or transfers of assets, to Innovative FlexPack or Worldwide Synergy, including distributor lists and distributor agreements.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 20, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge